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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

F.A.O. No. 4626 of 2007 (O &M)
Date of decision: 23.11.2007

Karam Singh and another **..Appellants**

Versus

Jasveer Kaur and others **...Respondents**

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CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. Lalit Thakur, Advocate for the appellants.

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RAJESH BINDAL, J.

The owner and driver of the offending tractor are in appeal before this Court against the award of Motor Accidents Claim Tribunal, Ferozepur (for short "the Tribunal") whereby on account of death of Karaj Singh, his widow and minor children have been awarded compensation of Rs. 2,95,000/-.

The appeal is belated by 58 days. On December 23, 2005 deceased Karaj Singh was going from village Ladhuwala to village Jandhwala alongwith some other persons in a jeep bearing registration No. DL-8C-8108. At a little distance from petrol pump of village Ghanga Khurd, tractor trolley bearing registration No. PB-05-0642 loaded with sand came from opposite side. As the tractor was being driven in rash and negligent manner, the driver having lost control over the same struck against the jeep. As a result of the accident Karaj Singh suffered fatal injuries. He was claimed to be skilled agricultural worker, who in season used to drive the combine harvester and in the off season he used to drive the jeep, which was purchased by him six months prior to his death. It was claimed that deceased was earning Rs. 10,000/- per month. A compensation of Rs. 7 lacs under Section 166 and Rs. 50,000/- under Section 140 of the

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Motor Vehicles Act, 1988 was claimed.

After considering the evidence led by the parties, the Tribunal opined that the accident occurred on account of rash and negligent driving of the tractor by appellant no.2. Learned counsel for the appellants had not been able to raise any plea or refer to any evidence on record, which could lead to the conclusion that findings recorded by the learned Tribunal on this issue are perverse. As far as claim of compensation is concerned, in the absence of any documentary evidence, learned Tribunal assessed the income of deceased quite moderately at Rs. 3000/- per month considering him to be an able bodied and the fact that even a daily wager earns the same. Deducting 1/3rd on account of his own spending, the annual dependency was determined at Rs. 24,000/-. Keeping in view the age of the deceased as 30/32 years at the time of death, multiplier of 12 was applied and compensation was assessed at Rs. 2,88,000/- to which another sum of Rs. 2,000/- was added on account of funeral expenses and Rs. 5,000/- on account of consortium and a total sum of Rs. 2,95,000/- along with interest at the rate of 6% per annum from the date of claim petition has been granted.

Perusal of the process of determination of compensation to the respondents/claimants also does not show that same is in any way determined arbitrarily rather the same seems to be quite conservative.

Accordingly, the appeal is dismissed.

As I do not find any merit in the present appeal, I do not deem it necessary to go into the application for condonation of delay in filing the appeal, accordingly the same is also dismissed.

November 23, 2007 **(Rajesh Bindal)**
Pka **Judge**